

**U.S. Department of Housing and Urban Development
1998 Annual Report**

I. Basic Information Regarding Report.

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Room 10250
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- B. The World Wide Web address to obtain an electronic copy of the Freedom of Information Act (FOIA) report is **www.hud.gov/foiarpts.html**. The report can then be accessed by clicking **FOIA Annual Reports**.
- C. A paper copy of the report can be obtained by submitting a request to the Managing Attorney/FOIA Officer located at 451 Seventh Street, SW, Room 10250, Washington, DC 20410.

II. How to Make a FOIA Request.

The Department of Housing and Urban Development's FOIA bookshelf home page address is **www.hud.gov/ogc/foia.html**. You may submit a FOIA request for Frequently Requested documents to our home page or you may write to us directly at the above listed addresses.

- A. The Departments response time ranges from 20 days to eighteen months due primarily to a backlog of pending FOIA requests.
- B. A request for records may not be granted because (1) an assurance to pay fees incurred process a request was not provided; (2) the request does not reasonable describe the records sought; or (3) the information requested is exempt from disclosure and a foreseeable harm has been identified in accordance with the Attorney General's Memorandum for Heads of Departments and Agencies regarding the Freedom of Information Act, October 4, 1993, to permit withholding of the information.

III. Definitions of Terms and Acronyms Used in the Report.

- A. Agency-specific acronyms or other terms are as follows.

HUD - Department of Housing and Urban Development

- B. Basic terms expressed in common terminology.
 - 1. **FOIA/PA request** – Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as a

FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report).

2. **Initial Request** – a request to a federal agency for access to records under the FOIA.
3. **Appeal** – a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the FOIA, or any other FOIA determination such as a matter pertaining to fees.
4. **Processed Request or Appeal** – a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
5. **Expedited processing** – an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
6. **Routine/Simple request** – a FOIA request that is processed based on the simplicity of records requested.
7. **Complex request** – a FOIA request that is processed based on the volume and/or complexity of records requested.
8. **Grant** – an agency decision to disclose all records in full in response to a FOIA request.
9. **Partial grant** – an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more FOIA exemptions; or a decision to disclose some records in their entireties, but to withhold others in whole or in part.
10. **Denial** – an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempted under one or more of the FOIA exemptions, or for some procedural reason.
11. **No Documents** – no records are located in response to a FOIA request.
12. **Time limits** – the time period for an agency to respond to a FOIA request, is ordinarily 20 working days from the receipt of the FOIA request.
13. **Exemption 3 statute** – a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).
14. **Median number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
15. **Average number** - the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

IV. Exemption 3 Statutes.

1. List of Exemption 3 statutes invoked by agency during current fiscal year.

- 001: Pub. L. 101-235, Section 103, HUD Reform Act of 1989:
Prohibition of advance disclosure of funding decision.
- 002: 42 USC § 3601(a), Fair Housing Enforcement:
Person aggrieved; complaint; copy; investigations; informal proceedings; violation of secrecy; penalties.
- 003: 25 USC § 6103(a), Tax Reform Act of 1976:
Confidentiality and Disclosure of Tax Returns and Return Information.
- 004: Rule 6(e)(2), Federal Rules for Criminal Procedures:
General Rule of Secrecy of Grand Jury Proceedings.
- 005: 15 USC § 2055(b), Consumer Product Safety Act:
Disclosure requirements for manufacturers or private labelers; procedures applicable.
- 006: 42 USC § 5413(h), Manufactured Home Construction and Safety Standard Act:
Inspections and investigations for promulgation or enforcement of standards or execution of other duties.
- 007: 48 CFR Part 15.1001(c)(v), Federal Acquisition Regulations:
Post award notices to unsuccessful offerors.
- 008: 48 CFR Part 3.104, Federal Acquisition Regulations:
Ethics in Procurement and Procurement Integrity.
- 009: 48 CFR Part 15.1003, Federal Acquisition Regulations:
Debriefing of unsuccessful offerors.
- 010: Pub. L. 100-235, **Computer Security Act of 1987.**
- 011: Section 821, Pub. L. 104-201, **National Defense Authorization Act.**

2. There were no current court challenges to the agency's determination to invoke Exemption 3.

V. Initial FOIA/PA Access Request.

A. Number of initial requests.

- 1. Number of requests pending as of the end of the preceding fiscal year. **803**
- 2. Number of requests received during current fiscal year. **3,354**
- 3. Number of requests processed during current fiscal year. **2,827**
- 4. Number of requests pending as of end of current fiscal year. **1,456**

B. Disposition of initial requests.

1. Number of total grants. **2,631**
2. Number of partial/full denials. **313**
 - a. Number of times each FOIA exemption used.

<u>Exemption Invoked</u>	<u>Number of Times Invoked</u>
2	5
3	25
4	80
5	83
6	117
7(a)	41
7(b)	1
7(c)	30
7(e)	3
8	1

b. Other reasons for partial grants/denials.

1. no records 256
2. request withdrawn 154
3. fee-related reasons 0

c. Statutes Invoked Pursuant to Exemption 3.

<u>Statute Invoked</u>	<u>Times Invoked</u>
1	3
2	10
3	1
4	3
5	0
6	1
7	1
8	1
9	0
10	0
11	5

VI. Appeals of Initial Denials of FOIA/PA Request.

A. Number of appeals received during this fiscal year. **54**

B. Disposition of appeals.

1. Number of appeals affirmed. **21**
2. Number of appeals reversed. **3**
3. Number of appeals affirmed in part/reversed in part. **3**

4. Number of appeals dismissed/moot. **6**

C. Number of times each FOIA exemption used.

<u>Exemption Invoked:</u>	<u>Number of Times Invoked:</u>
3	1 (42 USC 3610(d)(1))
4	10
5	9
6	6
7	5

VII. Compliance with Time Limits/Status of Pending Requests.

A. Median numbers of days to process different type of requests. **22 days**

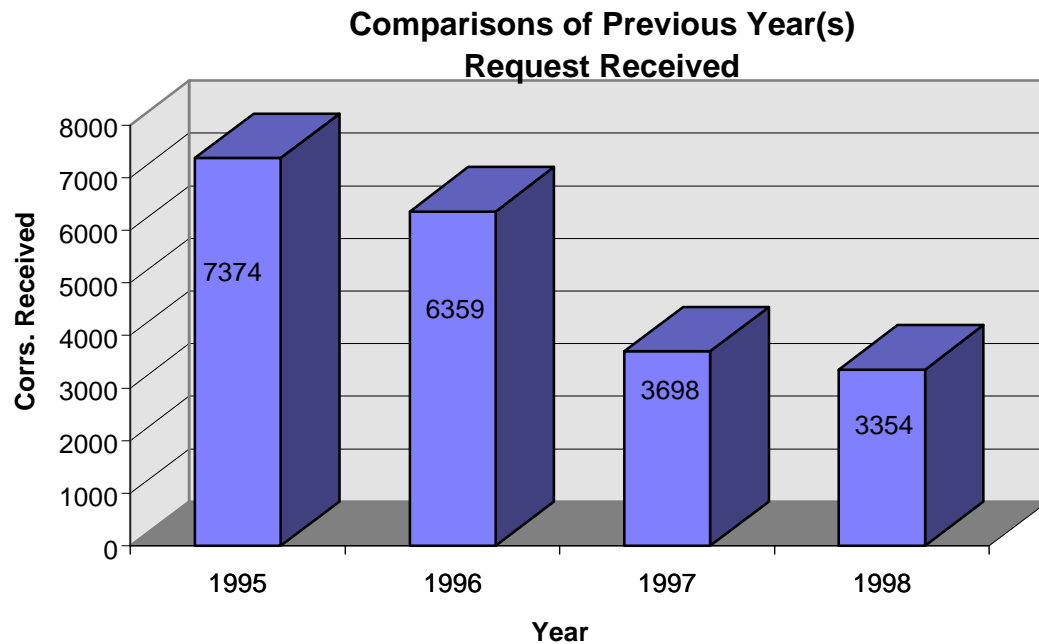
B. Status of pending requests.

1. Number of requests pending as of the end of current fiscal year. **1,456**

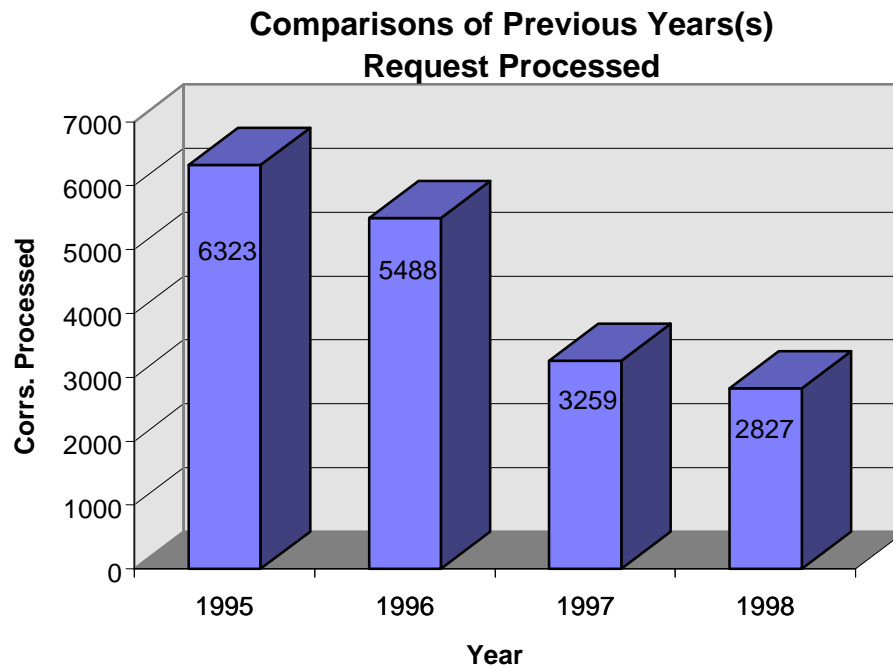
2. Median number of days that such requests were pending as of 9/30/98. **138 days**

VIII. Comparisons with Previous Year(s).

A. Comparison of numbers of requests received.



B. Comparison of numbers of requests processed.



IX. Costs/FOIA Staffing.

A. Staffing levels.

1.	Number of full-time staff processing FOIA requests.	7	
2.	Number of full-time attorneys.	5	
3.	Number of full-time FOIA Division Personnel.		16

B. Total costs (including staff and all resources).

1.	FOIA processing (including appeals).	\$451,688
2.	Litigation-related activities (estimated).	\$395,617
3.	Total costs:	\$847,305

X. Fees.

A.	Total amount of fees collected by agency for processing requests.	\$27,203.20
B.	Total amount of fees billed by agency for processing requests.	\$37,794.83

XI. FOIA Regulations (Including Fee Schedule).

The World Wide Web internet address to obtain the Department of Housing and Urban Development FOIA Regulation is as follows: www.hud.gov/ogc/bshelf2a.html (see attached paper copy of HUD's FOIA regulations).

XII. Initial FOIA/Inspector General Request.

A.	Number of requests received during current fiscal year.	152
B.	Disposition of initial requests.	
1.	Number of total grants.	40
2.	Number of Privacy Act issued combined with FOIA.	4
3.	Number of denials/partial grants.	96

<u>Exemption Invoked</u>	<u>Times Invoked</u>
2	1
3	2
4	2
5	31
6	45
7(a)	27
7(c)	29

C. Status invoked pursuant to Exemption 3.

Pub. L. 101-235, 103 Stat. 1987 (1989) Hud Reform Act.

42 USC Section 3610(a), Information obtained during the course of conciliation of fair housing complaints under Section 810(d) of Title VIII of the Civil Rights Act of 1968.

Rule 6(e) of Federal Rules of Criminal Procedure "security of Grand Jury Proceedings".

15 USC § 2055(b) Consumer Product Safety Act.

42 USC § 5413(H) Manufactured Home Construction and Safety Standards Act.

48 CFR Part 15.1001(c)(v) Federal Acquisition Regulation (FAR) regarding post award notices to unsuccessful offerors in no event disclose another offeror's cost breakdown, profit, overhead rates, trade secrets, manufacturing processes and techniques, or other confidential business information.

D. Other reasons.

- | | | |
|----|------------|----|
| 1. | no records | 15 |
| 2. | withdrawn | 1 |

Appeals of Initial Denials FOIA/Inspector General Request.

A. Number of appeals received during this fiscal year. **14**

B. Disposition of appeals.

- | | | |
|----|--|----------|
| 1. | Number of appeals granted in full. | 2 |
| 2. | Number of appeals denied in full. | 6 |
| 3. | Number of appeals denied in part. | 4 |
| 4. | Number of appeals no responsive documents. | 2 |

C. Authority relied on for total or partial denials on appeal.

<u>Exemption Invoked</u>	<u>Times Invoked</u>
3	1
4	2
5	5
6	4
7(a)	5
7(c)	5
7(d)	1
7(e)	1
7(f)	1

D. There was 1 fee waiver reduction requests appeals.

E. There was \$9,670.12 collected in fees for making records for the current fiscal year.

F. There was \$9,838.42 billed in fees for making records for the current fiscal year.